

RECEIVED
CENTRAL FAX CENTER

NOV 01 2005

PTO/SB/31 (04-05)

Approved for use through 07/31/2008. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) AUS920010851US1	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on November 1, 2005 Signature _____ Typed or printed name Catherine Berglund		In re Application of William K. Bodin Application Number 10/046,952 Filed 01/15/2002 For Dynamic Indication of Email Capabilities Art Unit 2154 Examiner Martin, Nicholas A.	
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner. The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) \$500.00 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____ <input type="checkbox"/> A check in the amount of the fee is enclosed. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 09-0447 . I have enclosed a duplicate copy of this sheet. <input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input checked="" type="checkbox"/> attorney or agent of record. Registration number 44,537 <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____ NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. <input checked="" type="checkbox"/> Total of 2 forms are submitted.			

RECEIVED
OIPE/IAP

NOV 02 2005


Signature

John Biggers

Typed or printed name

(512) 472-9881

Telephone number

November 1, 2005

Date

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

11/02/2005 FMEK11 00000084 090447 10046952

500.00 DA

Biggers & Ohanian, LLP*Patent Attorneys*P.O. Box 1469
Austin, Texas 78767-1469
(512) 472-9881
cathy@biggerslaw.comRECEIVED
CENTRAL FAX CENTER

NOV 01 2005

FACSIMILE TRANSMITTAL SHEET

DATE: November 1, 2005

TO: Mail Box: AF
Examiner Martin Group Art Unit: 2154

COMPANY: United States Patent and Trademark Office

FACSIMILE NO: 571-273-8300

FROM: John Biggers, Reg. No. 44,537

RE: Notice of Appeal to Final OA
dated August 03, 2005; Title:
"Dynamic Indication of Email Capabilities" Atty. Docket No.: AUS920010851US1
(024)

SERIAL NO.: 10/046,952 Customer No. 34533

NUMBER OF PAGES: (Including Cover) 4

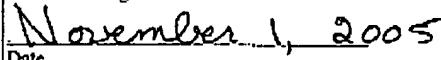
COMMENTS: Please see attached.

Certificate of Transmission by Facsimile under 37 C.F.R. 1.8

I hereby certify that this correspondence is being transmitted via facsimile to Commissioner for Patents at 571-273-8300 on the date of signature below.



Catherine Berghund



Date

Confidentiality Notice:

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney-client privileged and confidential information intended only for the use of the intended recipient named above. If you are not the intended recipient, then any dissemination, distribution, or copying of this communication is strictly prohibited. If you received this distribution in error, please immediately notify the sender by telephone at our expense.

**RECEIVED
CENTRAL FAX CENTER**

NOV 01 2005

PTO/SB/21 (02-04)

Approved for use through 07/31/2008. OMB 0651-0031

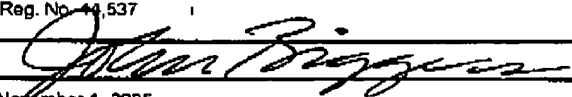
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/046,952	
	Filing Date	01/15/2002	
	First Named Inventor	William K. Bodin	
	Art Unit	2154	
	Examiner Name	Martin, Nicholas A.	
Total Number of Pages In This Submission	4	Attorney Docket Number	AUS920010851US1

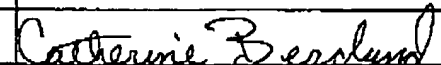
ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Facsimile Transmittal Sheet; Notice of Appeal PTO/SB/31 (2 Originals).
Remarks The Commissioner is authorized to charge or credit Deposit Account No. 09-0447. Customer No. 34533		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	John Biggers Reg. No. 44,537
Signature	
Date	November 1, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Catherine Berglund
Signature	
Date	November 1, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.